

Chair and Commissioners,

I am Dept. of Justice Special Agent Alan Wayne Barcelona, President of CAUSE – Statewide Law Enforcement Association, which represents Bargaining Unit 7 employees.

Unit 7 represents all of the peace officers involved in the CPR Public Safety Reorganization's Division of Law Enforcement.

In almost every state agency and department we are the MINORITY EMPLOYEE, by that I mean the main purpose of that department is not law enforcement and we represent a relatively small portion of the workforce. We also have an unusually high ratio of management to rank-and-file because of our small numbers.

Right now our membership's biggest problem revolves around the issue of supervision and management. Simply put, we have non-law enforcement personnel with little or no public safety experience acting as our chiefs. Frankly, they risk our lives, the public's safety and waste valuable state funds that could be used to benefit the public.

We are unsure of what the full impact of these proposed changes will have on Bargaining Unit 7, and so our concerns listed on your summary sheets and this testimony are most likely not complete. What we have been able to identify are:

1. A concern that not all available state peace officer resources, excluding corrections and highway patrol officers, are listed to be included in the division (see attached list).
2. The stated desire to consolidate training needs clarification. It is unclear whether the intention of this consolidation is based on the desire to use one facility or if this implies new uniform training standards; because of the vast difference in the duties of numerous investigators we believe the latter would be unfeasible.
3. We believe the proposed elimination of the Social Services Peace Officers may be based on incomplete and/or incorrect facts. We believe there to be many errors in the Commission's report. For instance, Investigators at Dept. of Social Services are not prohibited from making arrests, and in fact have and do make arrests. DSS does not keep any statistics on arrests or its prosecutions. In discussions with our members approximately a quarter of the complaints investigated by our members result in an arrest and/or criminal filing. Most of those filings deal with sexual and physical assaults. Also, DSS doesn't execute warrants to search licensed facilities, because they already have inspection authority – they do however serve Warrants for unlicensed facilities. Lastly, if peace officer powers are removed from DSS Investigators not only will they lose access to the CLETS system they will also lose the DMV Soundex database, the main access for ID photographs. The idea of removing their peace officer authority is not a sound one and needs to be reexamined.

Those concerns aside we believe the potential emergency and disaster response of a Division of Law Enforcement could provide would be substantial and we want to help assist the state in homeland security services more than we already are.

The state already has significant authority over staffing. We would propose that if a Division of Law Enforcement is developed under the Department of Public Safety & Homeland Security, and I hope it is, that the state includes all the state investigators and peace officers who were not specifically mentioned in the report. That statutory language be changed to uniformly list these officers as “State Investigators and Police” under Chapter 4.5 of the Penal Code, commencing with Section 830. That in their operating language the Commissioner of the Division of Law Enforcement be given appointing authority and be allowed to appoint peace officers and assign them functions within different departments, provided that their main function would be the enforcement of that agencies laws and regulations, unless there was an emergency. In this way there would be uniformity in duties and powers and peace officers could be assigned were the Commissioner and ultimately the Governor believes they were necessary

Of course, there could be significant impacts on wages, hours, and other terms and conditions of employment made by any reorganization; we would need to meet with the state’s representatives to agree on those areas of change from our current contract.

Thank you. I would be happy to answer any questions I can.

PS 02B - Left out various peace officers:

- 830.2 (b) University of California Police
- 830.2 (c) CSU Police
- 830.3 (d) Investigators California Horse Racing Board
- 830.3 (e) State Fire Marshals
- 830.3 (f) Inspectors of the food and drug
- 830.3 (g) Investigators Division of Labor Standards Enforcement
- 830.3 (h) Investigators State Departments of Health Services,
Social Services, Mental Health, Developmental
Services, and Alcohol and Drug Programs, Office of
Statewide Health Planning and Development
- 830.3 (j) Department of Housing and Community Development
- 830.3 (l) Investigators Dept. of Corporations
- 830.3 (n) Law Enforcement Division of OES
- 830.3 (p) Lottery
- 830.3 (q) EDD
- 830.3 (r) Museum/Science Center
- 830.3 (s) FTB

830.3 (u) Managed Care

830.38 Hospital Police – Developmental Services